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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/613,387
Filing Date: July 11, 2000
Appellant(s): Mark Valenti

Christopher B. Kilner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/05/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The statement of the status of amendments contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-17 stand or fall individually based upon their individual claim limitations.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

U.S. Pat. No. 6,236,991 Frauenhofer et al May 22, 2001.

U.S. Pat. No. 6,324,577 Hirai November 27, 2001.

U.S. Pat. No. 5,696,898 Baker et al December 09, 1997.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-17 are rejected under 35 U.S.C. 103 (a).

Claims 1-3, 5-6, 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frauenhofer et al (Hereafter, Frauenhofer), U.S. Pat. No. 6,236,991 in view of Hirai, U.S. Pat. No. 6,324,577.

Regarding claim 1, Frauenhofer teaches a method of instantaneously searching a network of interconnected computers and servers comprising :

a plurality of information servers connected to a network and categorizing general content stored on themselves and collecting and storing the categorization on at least one IBSP server (i.e., collecting, categorizing and searching metadata about

contents including URLs provided on the Internet and/or Intranet) [see Figs. 1-2 and Abstract and Col. 4, Line 3 - Col. 5, Line 12];

transmitting the categorization of the plurality of information servers from an IBSP server to broadcast server nodes over the network (i.e., delivery of categorizing data including URLs in accordance with user profiles) [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11];

accepting a query on a user node connected to the network and transmitting the query from the user node directly to a broadcast server over the network and the broadcast server receiving and transmitting the user node query to the plurality of information servers and the information servers instantaneously searching themselves for specific content responsive to the user node query (i.e., obtaining user query and transmitting the query to the server and searching for categorizing data based on user profile) [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47]; and

each of the plurality of information servers transmitting a response to the user node query to the user node when responsive content is found (i.e., sending documents to the user whose interests it matches) [see Col. 4, Lines 41-49].

Frauenhofer does not explicitly teach collecting network addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices) is well-known in the art as disclosed by Hirai [see Abstract and Fig. 9]. It would have been obvious to one of

ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources.

Regarding claim 2, Frauenhofer further teaches the method of instantaneously searching a network of interconnected computers and servers of claim 1 further comprising :

the user node categorizing each user node query prior to transmitting the user node query and the broadcast server transmitting the user node query to a plurality of information servers that have appropriate categorization (i.e., user specifies which topics are of interest and sends queries for appropriate categorized information) [see Col. 4, Lines 48-51 and Col. 5, Lines 36- 47].

Regarding claim 3, Frauenhofer further teaches the method of instantaneously searching a network of interconnected computers and servers of claim 1, wherein the categorization and network addresses comprise information selected from the group consisting of website language, general contents, domain name, and IP address (i.e., website language, document content, URLs, ...) [see Col. 1, Lines 26-50 and Col. 3, Line 38 - Col. 4, Line 12]. In addition, Frauenhofer does not explicitly teach collecting network addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources

such as network addresses. In addition, managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices) is well-known in the art as disclosed by Hirai [see Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data for the same reasons set forth above to claim 1.

Regarding claim 5, Frauenhofer teaches a method of instantaneously searching a network of interconnected computers and servers comprising :

a plurality of information servers connected to a network and categorizing general content stored on themselves and collecting and storing the categorization on at least one IBSP server (i.e., collecting, categorizing and searching metadata about contents including URLs provided on the Internet and/or Intranet) [see Figs. 1-2 and Abstract and Col. 4, Line 3 - Col. 5, Line 12];

transmitting the categorization of the plurality of information servers from an IBSP server to broadcast server nodes over the network (i.e., delivery of categorizing data including URLs in accordance with user profiles) [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11];

accepting a query on a user node connected to the network and transmitting the query from the user node directly to a broadcast server over the network and the broadcast server receiving and transmitting the user node query to the plurality of information servers and the information servers instantaneously searching themselves

for specific content responsive to the user node query (i.e., obtaining user query and transmitting the query to the server and searching for categorizing data based on user profile) [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47]; and

each of the plurality of information servers transmitting a response to the user node query to the user node when responsive content is found (i.e., sending documents to the user whose interests it matches) [see Col. 4, Lines 41-49].

Frauenhofer does not explicitly teach collecting network addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices) is well-known in the art as disclosed by Hirai [see Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources.

Regarding claim 6, Frauenhofer teaches a system for instantaneously searching a network of interconnected computers and servers comprising :

a plurality of information servers connected to a network, each comprising instructions for categorizing general content resident on the information servers to form a categorization and for transmitting their categorization to an IBSP server (i.e.,

collecting, categorizing and searching metadata about contents including URLs provided on the Internet and/or Intranet) [see Figs. 1-2 and Abstract and Col. 4, Line 3 - Col. 5, Line 12];

the IBSP server connected to the network and comprising instructions for receiving categorization from the information servers and for transmitting same to a plurality of broadcast server nodes (i.e., delivery of categorizing data including URLs in accordance with user profiles) [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11];

a plurality of user nodes each comprising instructions for accepting and categorizing user queries, the plurality of user nodes further comprising instructions for transmitting the categorized queries to a broadcast server over the network, a plurality of broadcast servers each comprising instructions for receiving the categorization of the information servers from the IBSP server, and the broadcast server further comprising instructions for receiving the user nodes' categorized queries from the plurality of user nodes and for transmitting same to the plurality of information servers (i.e., obtaining user query and transmitting the query to the server and searching for categorizing data based on user profile) [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47]; and

the information servers further comprising instructions for instantaneously searching themselves for specific content responsive to the categorized queries from the user nodes and returning a response to the categorized queries to the user nodes transmitting the categorized queries when content responsive to the categorized queries

is found (i.e., sending documents to the user whose interests it matches) [see Col. 4, Lines 41-49].

Frauenhofer does not explicitly teach collecting network addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices) is well-known in the art as disclosed by Hirai [see Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources.

Regarding claim 8, Frauenhofer teaches a system for internet broadcast searching, comprising :

a network that provides internet protocol (IP) communication, a plurality of website computers connected to said network, at least one internet broadcast search paradigm (IBSP) server connected to said network, and at least one broadcast server connected to said network [see Figs. 1-2];

wherein said plurality of client computers include client software instructions to accept and categorize a search query from a user, to transmit said search query, a search query category directly to said at least one broadcast server, and to receive

search query results directly from responding website computers comprised information responsive to said query from said responding website computer (i.e., obtaining user query and transmitting the query to the server and searching for categorizing data based on user profile) [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47];

wherein said plurality of website computers include website software instructions to periodically perform categorization of said website's general content, to periodically send categorization to said at least one IBSP server, to search said website's content as it currently exists when a search query is received, and to respond directly to a search query by sending a response to said search query directly to the client computer (i.e., collecting, categorizing and searching metadata about contents including URLs provided on the Internet and/or Intranet) [see Figs. 1-2 and Abstract and Col. 4, Line 3 - Col. 5, Line 12];

wherein said at least one IBSP server includes software instructions to periodically receive a categorization from said plurality of website computers, to periodically create a data file of categorization for all of said plurality of website computers, and to periodically transmit said data file to each of said at least one broadcast server (i.e., delivery of categorizing data including URLs in accordance with user profiles) [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11]; and

wherein said at least one broadcast server includes software instructions to receive a data file from said at least one IBSP server, to receive search queries with associated search query categories to match said search query categories with website

categorization in said data file, and to transmit search queries of any website computers that have a categorization matching the search query categories (i.e., sending documents to the user whose interests it matches) [see Col. 4, Lines 41-49].

Frauenhofer does not explicitly teach collecting network addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices) is well-known in the art as disclosed by Hirai [see Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources.

Regarding claim 9, Frauenhofer further teaches the system wherein the network is selected from the group consisting an Intranet, an Internet and combinations thereof [see Figs. 1-2 and Col. 4, Line 53 - Col. 5, Line 12].

Regarding claim 10, Frauenhofer does not explicitly teach collecting network address (e.g., IP address) of the information servers wherein IP address is selected from the group consisting of a numerical IP address, a fully qualified domain name, and both a numerical IP address and a fully qualified domain name. However, data collected

and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices) wherein IP address consists of numerical IP address and domain name is well-known in the art as disclosed by Hirai [see Abstract and Fig. 9 and Col. 6, Lines 54-59]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data for the same reasons set forth above to claim 1.

Regarding claims 11-12, Fraunhofer and Hirai do not explicitly teach a plurality of broadcast (IBSP) servers and load-balancing (IBSP) servers. However, it is a matter of engineering choice to implement a plurality of servers for load-balancing purpose before routing data to appropriate destinations.

Regarding claim 13, Fraunhofer teaches a method for internet broadcast searching, comprising :

providing client software to a plurality of client computers connected to a network that provides internet protocol (IP) communication so as to allow said client computers to accept and categorize a search query from a user, to transmit said search query, a search query category directly to said at least one broadcast server, and to receive search query results directly from responding website computers comprised information responsive to said query from said responding website computer (i.e., obtaining user

query and transmitting the query to the server and searching for categorizing data based on user profile) [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47];

providing website software to a plurality of said website computers connected to said network so as to allow said website computers to periodically perform categorization of said website's general content, to periodically send categorization of said website's general content, to periodically send categorization to at least one IBSP server, to search said website's content as it currently exists when a search query is received, and to respond directly to a search query by sending a response to said search query directly to the client computer (i.e., collecting, categorizing and searching metadata about contents including URLs provided on the Internet and/or Intranet) [see Figs. 1-2 and Abstract and Col. 4, Line 3 - Col. 5, Line 12];

providing IBSP software to said at least one IBSP server so as to allow said at least one IBSP server to periodically receive a categorization from said plurality of website computers, to periodically create a data file of categorization for all of said plurality of website computers, and to periodically transmit said data file to each of said at least one broadcast server (i.e., delivery of categorizing data including URLs in accordance with user profiles) [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11]; and

providing broadcast server software to at least one broadcast server so as to allow said at least one broadcast server to receive a data file from said at least one IBSP server, to receive search queries with associated search query categories to match said search query categories with website categorization in said data file, and to

transmit search queries of any website computers that have a categorization matching the search query categories (i.e., sending documents to the user whose interests it matches) [see Col. 4, Lines 41-49].

Frauenhofer does not explicitly teach collecting IP addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices) is well-known in the art as disclosed by Hirai [see Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources.

Regarding claim 14, Frauenhofer further teaches the system wherein the network is selected from the group consisting an Intranet, an Internet and combinations thereof [see Figs. 1-2 and Col. 4, Line 53 - Col. 5, Line 12].

Regarding claim 15, Frauenhofer does not explicitly teach collecting network address (e.g., IP address) of the information servers wherein IP address is selected from the group consisting of a numerical IP address, a fully qualified domain name, and both a numerical IP address and a fully qualified domain name. However, data collected

and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices) wherein IP address consists of numerical IP address and domain name is well-known in the art as disclosed by Hirai [see Abstract and Fig. 9 and Col. 6, Lines 54-59]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data for the same reasons set forth above to claim 13.

Regarding claims 16-17, Frauenhofer and Hirai do not explicitly teach a plurality of broadcast (IBSP) servers and load-balancing (IBSP) servers. However, it is a matter of engineering choice to implement a plurality of servers for load-balancing purpose before routing data to appropriate destinations.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frauenhofer et al (Hereafter, Frauenhofer), U.S. Pat. No. 6,236,991 in view of Hirai, U.S. Pat. No. 6,324,577 and further in view of Baker et al (Hereafter, Baker), U.S. Pat. No. 5,696,898.

Regarding claim 4, Frauenhofer and Hirai do not explicitly teach connecting the user node to the network via a firewall, but Frauenhofer suggests Internet and Intranet which are inherently incorporated with the firewall. In addition, the use of firewall node connects the user node to the network is well-known in the art as disclosed by Baker

[see Figs. 1-2 and Col. 1, Line 60 - Col. 2, Line 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement a firewall node to limit access directly to the Internet network and protect user node on a LAN from being attacked by the outsiders.

Regarding claim 7, Frauenhofer teaches a system for instantaneously searching a network of interconnected computers and servers comprising :

a plurality of information servers connected over a network, each comprising instructions for categorizing general content resident on the information servers to form a categorization and for transmitting their categorization to an IBSP server (i.e., collecting, categorizing and searching metadata about contents including URLs provided on the Internet and/or Intranet) [see Figs. 1-2 and Abstract and Col. 4, Line 3 - Col. 5, Line 12];

the IBSP server, connected to the network, comprising instructions for receiving the network addresses and categorization from the information servers (i.e., delivery of categorizing data including URLs in accordance with user profiles) [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11];

a plurality of user nodes comprising instructions for accepting and categorizing user queries, the plurality of user nodes further comprising instructions for transmitting the user node's network address and the categorized queries to a server over the network, a plurality of servers each comprising instructions for receiving the categorization information of the information servers from the IBSP server (i.e.,

obtaining user query and transmitting the query to the server and searching for categorizing data based on user profile) [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47]; and

the information servers further comprising instructions for searching themselves for specific content responsive to the categorized queries from the user nodes and returning a response to the categorized queries to the server for forwarding to the user nodes transmitting the categorized queries (i.e., sending documents to the user whose interests it matches) [see Col. 4, Lines 41-49].

Frauenhofer does not explicitly teach collecting network addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices) is well-known in the art as disclosed by Hirai [see Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources. Moreover, Frauenhofer and Hirai do not explicitly teach the user node is connected to the network via a firewall server connected to the network for receiving the user node's network addresses and categorized the queries from a plurality of user nodes and for transmitting the firewall node's network address, the user node addresses, and the categorized queries to the

plurality of information servers. However, Frauenhofer suggests Internet and Intranet which are inherently incorporated with the firewall. In addition, the use of firewall connects the user node to the network is well-known in the art as disclosed by Baker [see Figs. 1-2 and Col. 1, Line 60 - Col. 2, Line 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement a firewall to limit access directly to the Internet network and protect user node on a LAN from being attacked by the outsiders.

(11) Response to Argument

Appellant has chosen claims 1-17 stand or fall individually based upon their individual claim limitations.

Issue 1: Pages 13-17 of the Appeal Brief are directed to this issue.

Appellant argues that Frauenhofer et al (U.S. Pat. No. 6,236,991) and Hirai et al (U.S. Pat. No. 6,324,577) fail to establish a prima facie case of obviousness because there is no motivation to combine.

Examiner respectfully disagrees. As to claim 1, Frauenhofer teaches a method of instantaneously searching a network of interconnected computers and servers comprising a plurality of information servers connected to a network and categorizing general content stored on themselves and collecting and storing the categorization on at least one IBSP server. For example, Frauenhofer teaches collecting, categorizing and searching metadata about contents provided on the Internet and/or Intranet [see Figs.

1-2 and Abstract and Col. 2, Line 40 to Col. 3, Line 11 and Col. 4, Line 3 to Col. 5, Line 12] and these categorized data further contain directories and URLs such as “www.goodco.com” [see Table 1 on Col. 3, Lines 50-60]. Frauenhofer further teaches transmitting the categorization of the plurality of information servers from an IBSP server to broadcast server nodes over the network. For example, Frauenhofer teaches delivery of categorizing data including URLs in accordance with user profiles [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11]. In addition, Frauenhofer teaches accepting a query on a user node connected to the network and transmitting the query from the user node directly to a broadcast server over the network and the broadcast server receiving and transmitting the user node query to the plurality of information servers and the information servers instantaneously searching themselves for specific content responsive to the user node query. For example, Frauenhofer teaches obtaining user query and transmitting the query to the server and searching for categorizing data based on user profile [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47]. Moreover, Frauenhofer teaches each of the plurality of information servers transmitting a response to the user node query to the user node when responsive content is found. For example, Frauenhofer teaches sending documents to the user whose interests it matches [see Col. 4, Lines 41-49].

Frauenhofer does suggest that categorized data further contain directories and URLs such as “www.goodco.com” [see Table 1 on Col. 3, Lines 50-60]. This suggests that not only content but also the locations or addresses of data are collected and categorized. Frauenhofer does not explicitly teach collecting network addresses of the

information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, Hirai, in the same field of network management endeavor, discloses managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices or sources) [see Hirai, Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources.

In response to appellant's arguments that Fraunhofer teaches away from the presently claimed invention because Fraunhofer does not includes certain features of appellant's invention listed (see Pages 16-17 of Appeal Brief - Paper No. 16) as below :

"Content remains at the source and is not aggregated;

Categorization is of information servers' general contents, not any specific content;

Categorization is not centralized, but rather is distributed since information servers / web servers perform self categorization;

Categorization of queries is not centralized, but rather is distributed since client software/users perform categorization;

Searching is not centralized since each information server searches themselves for responsive content;

Searching is in "real-time" since it is performed by the sources of the content; and

Responses are not filtered since they are sent to the user from the source of the content".

Those above *features on which the Appellant relies are not in the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. See **Constant v. Advanced Micro-Devices Inc.**, 7 USPQ2d 1064.*

*In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See **In re Keller**, 642F. 2d 413, 208 USPQ 871 (CCPA 1981); **In re Merck & Co.**, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986).* Appellant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as shown above. With respect to *Frauenhofer*, appellant seems to argue points the examiner has already construed *Frauenhofer* does not explicitly teach while restricting the arguments on the *Frauenhofer-Hirai* combined to arguments of no motivation.

*In response to Appellant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. See **In re Nomiya, 184 USPQ 607 (CCPA 1975)**. However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. See **In re McLaughlin, 170 USPQ 209 (CCPA 1971)**. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. See **In re Bozek, 163 USPQ 545 (CCPA) 1969**. Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. See **In re Bode, 193 USPQ 12 (CCPA 1977)**. In this case, the reason for combining reference Frauenhofer and Hirai is that to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources.*

In summary, the references can and should be combined in the manner noted in the Rejection shown above.

Therefore, claims 1-17 remain/stand rejected as shown above.

Issue 2 : Pages 17-31 of the Appeal Brief are directed to this issue regarding claims 1-3, 5-6 and 8-17.

Appellant argues that Frauenhofer et al (U.S. Pat. No. 6,236,991) and Hirai et al (U.S. Pat. No. 6,324,577) fail to teach or suggest each and every limitation of the claimed invention.

In this section of Appeal Brief, appellant just lists all claims and does not have any substantial argument at all.

Examiner respectfully disagrees. As to claim 1, Frauenhofer teaches "a plurality of information servers connected to a network and categorizing general content stored on themselves" and "collecting and storing the categorization on at least one IBSP server". For example, Frauenhofer teaches collecting, categorizing and searching metadata about contents provided on the Internet and/or Intranet [see Figs. 1-2 and Abstract and Col. 2, Line 40 to Col. 3, Line 11 and Col. 4, Line 3 to Col. 5, Line 12] and these categorized data further contain directories and URLs such as "www.goodco.com" [see Table 1 on Col. 3, Lines 50-60]. In Frauenhofer's system, system server 10 and customer intranet server 14 in conjunction with other server like web server, file server, etc. represent a plurality of information servers for collecting, categorizing and searching metadata about contents from both Internet source and Intranet source. Frauenhofer does suggest that categorized data further contain directories and URLs such as "www.goodco.com" [see Table 1 on Col. 3, Lines 50-60]. This suggests that not only

content but also the locations or addresses of data are collected and categorized. In addition, IBSP is merely a name of the server and it is more important that the functionality of collecting, categorizing and searching metadata about contents provided on the Internet and/or Intranet as shown above is carried out by combination of the system server 10 and the customer intranet server 14. Therefore, combination of the system server 10 and the customer intranet server 14 is acting like an IBSP server or broadcast server.

Frauenhofer further teaches "transmitting the categorization of the plurality of information servers from an IBSP server to broadcast server nodes over the network". For example, Frauenhofer teaches delivery of categorizing data including URLs in accordance with user profiles [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11]. As discussed above, IBSP is merely a name of the server and it is more important that the functionality of collecting, categorizing and searching metadata about contents provided on the Internet and/or Intranet as shown above is carried out by combination of the system server 10 and the customer intranet server 14. Therefore, combination of the system server 10 and the customer intranet server 14 is acting like an IBSP server or broadcast server.

In addition, Frauenhofer further teaches "accepting a query on a user node connected to the network" and "transmitting the query from the user node directly to a broadcast server over the network" and "the broadcast server receiving and transmitting the user node query to the plurality of information servers and the information servers instantaneously searching themselves for specific content responsive to the user node

query". For example, Frauenhofer teaches obtaining user query and transmitting the query to the server and searching for categorizing data based on user profile [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47].

Moreover, Frauenhofer further teaches "each of the plurality of information servers transmitting a response to the user node query to the user node when responsive content is found". For example, Frauenhofer teaches sending documents to the user whose interests it matches [see Col. 4, Lines 41-49].

Frauenhofer does suggest that categorized data further contain directories and URLs such as "www.goodco.com" [see Table 1 on Col. 3, Lines 50-60]. This suggests that not only content but also the locations or addresses of data are collected and categorized. Frauenhofer does not explicitly teach collecting network addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, Hirai, in the same field of network management endeavor, discloses managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices or sources) [see Hirai, Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources.

Claims 2-4 are dependent on claim 1 and thus are not patentable at least for the reasons set forth above to claim 1.

As to claims 5-6 and 8 and 13, claims 5-6 and 8 and 13 are not patentable for the same reasons set forth above to claim 1. For example, Frauenhofer teaches collecting, categorizing and searching metadata about contents provided on the Internet and/or Intranet [see Figs. 1-2 and Abstract and Col. 2, Line 40 to Col. 3, Line 11 and Col. 4, Line 3 to Col. 5, Line 12] and these categorized data further contain directories and URLs such as "www.goodco.com" [see Table 1 on Col. 3, Lines 50-60]. In addition, IBSP is merely a name of the server and it is more important that the functionality of collecting, categorizing and searching metadata about contents provided on the Internet and/or Intranet as shown above is carried out by combination of the system server 10 and the customer intranet server 14. Therefore, combination of the system server 10 and the customer intranet server 14 is acting like an IBSP server or broadcast server.

Frauenhofer further teaches delivery of categorizing data including URLs in accordance with user profiles [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11].

In addition, Frauenhofer further teaches obtaining user query and transmitting the query to the server and searching for categorizing data based on user profile [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47].

Moreover, Frauenhofer further teaches sending documents to the user whose interests it matches [see Col. 4, Lines 41-49].

Frauenhofer does suggest that categorized data further contain directories and URLs such as "www.goodco.com" [see Table 1 on Col. 3, Lines 50-60]. This suggests that not only content but also the locations or addresses of data are collected and categorized. Frauenhofer does not explicitly teach collecting network addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, Hirai, in the same field of network management endeavor, discloses managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices or sources) [see Hirai, Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources.

Claims 9-12 are dependent on one of claims 5-8 and thus are not patentable at least for the reasons set forth above to claims 5-8. Furthermore, Frauenhofer and Hirai disclose the claimed invention except for explicitly teaching of a plurality of broadcast (IBSP) servers and load-balancing (IBSP) servers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement of a plurality of broadcast (IBSP) servers and load-balancing (IBSP) servers, *since it has*

*been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See **St. Regis Paper Co. v. Bemis Co.**, 193 USPQ 8.*

Claims 14-17 are dependent on claim 13 and thus are not patentable at least for the reasons set forth above to claim 13.

In summary, the references can and should be combined in the manner noted in the Rejection shown above.

Therefore, claims 1-3, 5-6 and 8-17 remain/stand rejected as shown above.

Issue 3 : Page 31 of the Appeal Brief is directed to this issue regarding claims 4 and 7.

Appellant argues that Frauenhofer et al (U.S. Pat. No. 6,236,991) and Hirai et al (U.S. Pat. No. 6,324,577) and Baker et al (U. S. Pat. No. 5,696,898) fail to establish a prima facie case of obviousness because there is no motivation to combine and fail to teach or suggest each and every limitation of the claimed invention.

Examiner respectfully disagrees. As discussed above regarding issue 1, the references can and should be combined in the manner noted in the Rejection shown above. In this case, for claims 4 and 7, the reason for combining reference Frauenhofer and Hirai is that to collect network addresses of the devices along with categorized

content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources. In addition, the reason for combining references Frauenhofer and Hirai and Baker is that to implement a firewall node to limit access directly to the Internet network and protect user node on a LAN from being attacked by the outsiders.

Moreover, combination of Frauenhofer and Hirai and Baker does teach or fairly suggest the limitations of claims 4 and 7.

For example, in claim 4, Frauenhofer and Hirai do not explicitly teach connecting the user node to the network via a firewall, but Frauenhofer suggests Internet and Intranet which are inherently incorporated with the firewall. In addition, the use of firewall node connects the user node to the network is well-known in the art as disclosed by Baker [see Baker, Figs. 1-2 and Col. 1, Line 60 - Col. 2, Line 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement a firewall node to limit access directly to the Internet network and protect user node on a LAN from being attacked by the outsiders.

For example, in claim 7, Frauenhofer teaches collecting, categorizing and searching metadata about contents including URLs provided on the Internet and/or Intranet [see Figs. 1-2 and Abstract and Col. 4, Line 3 - Col. 5, Line 12]; delivery of categorizing data including URLs in accordance with user profiles [see Figs. 1-2 and Abstract and Col. 3, Lines 20-60 and Col. 5, Lines 1-11]; obtaining user query and transmitting the query to the server and searching for categorizing data based on user

profile [see Figs. 1-2 and Abstract and Col. 5, Lines 13-47]; and sending documents to the user whose interests it matches [see Col. 4, Lines 41-49].

Frauenhofer does not explicitly teach collecting network addresses of the information servers. However, data collected and categorized from all sources are usually containing the data content and the locations of the sources such as network addresses. In addition, Hirai, in the same field of network management endeavor, discloses managing a plurality of nodes in the network by collecting IP addresses information (i.e., network addresses of the devices or sources) [see Hirai, Abstract and Fig. 9]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to collect network addresses of the devices along with categorized content data in order to efficiently group information into different subject matters for easy retrieval data associated with categorized network addresses of appropriate sources. Moreover, Frauenhofer and Hirai do not explicitly teach the user node is connected to the network via a firewall server connected to the network for receiving the user node's network addresses and categorized the queries from a plurality of user nodes and for transmitting the firewall node's network address, the user node addresses, and the categorized queries to the plurality of information servers. However, Frauenhofer suggests Internet and Intranet which are inherently incorporated with the firewall. In addition, the use of firewall connects the user node to the network is well-known in the art as disclosed by Baker [see Baker, Figs. 1-2 and Col. 1, Line 60 - Col. 2, Line 9]. It would have been obvious to one of ordinary skill in the art at the time of the

invention was made to implement a firewall to limit access directly to the Internet network and protect user node on a LAN from being attacked by the outsiders.

In summary, the references can and should be combined in the manner noted in the Rejection shown above.

Therefore, claims 4 and 7 remain/stand rejected as shown above.

Issue 4 : Pages 32-33 of the Appeal Brief is directed to this issue.

Appellant argues that all of the claims are drawn to instantaneous searching of content and the system of Frauenhofer cannot possibly provide this feature (claim limitation).

Examiner respectfully disagrees. Firstly, appellant refers to instantaneous searching as "real-time" is incorrect [see Page 17, Line 2 of the Appeal Brief - Paper No. 16]. Ordinary definition of instantaneous is responsive. "Real-time" in this context is not equivalent.

Secondly, Frauenhofer does teach the system **actively collect and categorize** internally-provided content for delivery with the externally gathered and categorized content and for matching to user profiles [see Frauenhofer, Abstract]. In addition, Frauenhofer further teaches the primary requisites for delivery the information to people who have expressed an interest (i.e., profile) are making sure that access to the information is convenient, even in dynamic situations, and making sure that **delivery**

can occur quickly once the information becomes available (i.e., responsiveness)

[see Frauenhofer, Col. 1, Line 64 to Col. 2, Line 2]. Moreover, Frauenhofer further teaches the system can be **programmed** to conduct matching the user profile with categorized content **only upon user prompting** [see Frauenhofer, Col. 3, Lines 10-19].

Indeed, this suggests that there exists, in Frauenhofer's system, an instantaneous search for contents responsive to user queries (i.e., responsiveness) as argued by appellant. Thus, appellant's argument is moot.

In summary, the references can and should be combined in the manner noted in the Rejection shown above.

Therefore, claims 1-17 remain/stand rejected as shown above.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Philip Tran
Philip Tran
AU 2155
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Conferees

Zarni Maung
ZARNI MAUNG
PRIMARY EXAMINER

Patrice Winder
PATRICE WINDER
PRIMARY EXAMINER

Hosain Alam
HOSAIN ALAM
SUPERVISORY PATENT EXAMINER